

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PAUL M. CORDUA

Serial No. 10/664,476

Filed: September 17, 2003

For: FLOW VOLUME ADJUSTMENT  
DEVICE FOR IRRIGATION SPRINKLER  
HEADS

Examiner: Christopher S. Kim

Group Art Unit: 3752

Client ID/Matter No. HITPR:65499

Los Angeles, California 90045

TERMINAL DISCLAIMER TO OBLIGATE DOUBLE PATENTING REJECTION

UNDER 37 C.F.R. 1.321

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The petitioner, Paul M. Cordua, is the owner of 100 percent interest in the instant application, Serial No. 10/664,476, filed September 17, 2003, for FLOW VOLUME ADJUSTMENT DEVICE FOR IRRIGATION SPRINKLER HEADS, which is a continuation of Serial No. 10/246,319, filed September 18, 2002, now Patent No. 6,637,672, which is a continuation of Serial No. 09/840,010, filed April 19, 2001, now Patent No. 6,464,151. To the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/664,476, is in petitioner.

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Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,464,151, and prior Patent No. 6,637,672, which are also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior Patent No. 6,464,151 and prior Patent No. 6,637,672 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior Patent No. 6,464,151, and/or prior Patent No. 6,637,672, as presently shortened by any terminal disclaimer, in the event that either of them later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

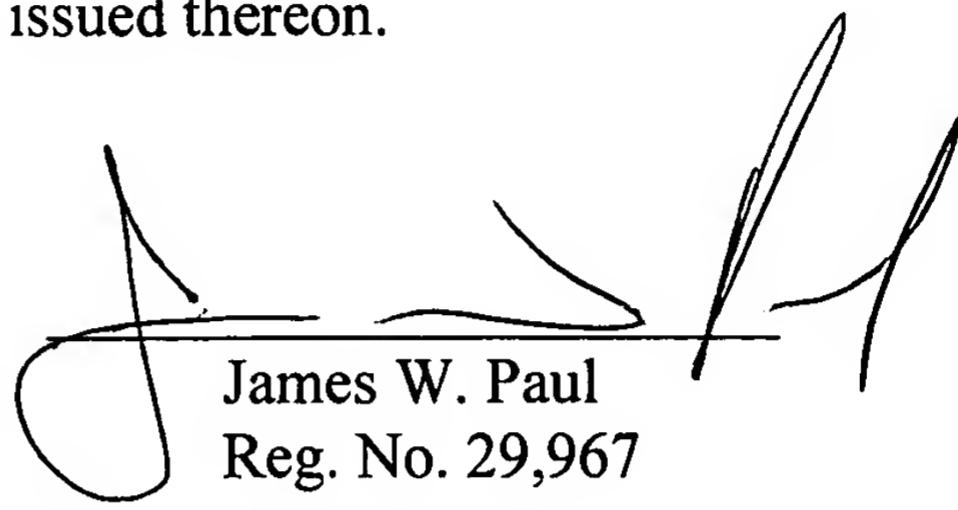
The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date

  
James W. Paul  
Reg. No. 29,967